

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 8006 - SB 8001

August 12, 2020

SUMMARY OF ORIGINAL BILL: Removes certain governmental entities' liability immunity associated with damages, injuries, or deaths occurring during public demonstrations within specifically bounded areas in certain circumstances.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (019147): Deletes and rewrites all language after the enacting clause such that the substantive changes: (1) require the Department of Labor and Workforce Development (DLWD) to process an individual's unemployment claim within 20 days of receipt of an application and deliver unemployment funds to the claimant within a specific timeframe; (2) authorize a claimant to bring a cause of action against the DLWD if the DLWD does not meet the established timeframes; (3) establish that damages which may be awarded claimants include compensatory damages and back pay with interest accruing as of the date of the violation; and (4) require the DLWD to inform the claimant of their rights to bring a cause of action and post a notice on their website.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – The Department of Labor and Workforce Development may require additional resources in order to comply with the required timeframes; however the extent of such resources is unknown.

Assumptions for the bill as amended:

- The proposed language is applicable to governing bodies, boards, commissions, committees, or departments of municipalities, counties, or other political subdivisions of the state of Tennessee.
- A governmental entity's liability immunity is removed if they prevent law enforcement or fire and rescue services from accessing specifically bounded areas within the governmental entity's jurisdiction during a public demonstration unless such services are provided by another governmental entity.

- The proposed language does not apply to tactical decisions which are made by law enforcement or fire and rescue services personnel based on the risks to safety of personnel.
- It is reasonably assumed that removal of liability immunity in such specific instances will deter governmental entities from executing such actions; however in the event a governmental entity prevents or prohibits law enforcement or fire and rescue services within a specifically bounded area during a public demonstration, the decision to forego providing such services is not a tactical decision made by law enforcement or fire and rescue services, such services are not being provided by another governmental entity, and damages, injury, or death occur within the specifically bounded area during a public demonstration, the governmental entity will lose liability immunity and may experience a permissive increase in local government expenditures associated with settlements of liability torts.
- It is reasonably assumed that instances which will meet the specific qualification of the proposed legislation will be rare in occurrence; therefore the permissive increase in local government expenditures is estimated to be not significant.
- Current timeframes for processing and delivery of unemployment benefits by the DLWD are unknown; however based upon information provided on the DLWD's website, claims may take up to four weeks for approval.
- It is reasonably assumed increases in the number of unemployment benefit claims received will result in an increase in the timeframe needed for processing such claims in the absence of additional resources.
- In order to comply with the required timeframes established within the proposed legislation, the DLWD may require additional resources; however the extent of such resources cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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